

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

QADIR BAKHSH,

Plaintiff,

vs.

MUHAMMAD Q. KHAN,

Defendants.

Case No. 2:15-cv-01948-GMN-CWH

ORDER

Before the Court is Defendant Maimoona Q. Khan's ("defendant") renewed motion to stay (doc. # 32), filed January 20, 2016, and Plaintiff Qadir Bakhsh's ("plaintiff") response, filed February 22, 2016. Defendant did not file a reply.

In her renewed motion, defendant now provides the Court with information regarding her bankruptcy petition in the United States Bankruptcy Court for the District of Nevada. See Doc. # 32 at 10; Bankruptcy Case # 15-15981-abl. Defendant also asks the Court to stay this action under 11 U.S.C. § 362 in light of defendant's bankruptcy petition.

Plaintiff, in response, concedes that defendant has filed a bankruptcy petition but, nevertheless, asks the Court to decide plaintiff's pending motion to remand (doc. # 16). Plaintiff also acknowledges that the automatic stay afforded by § 362 precludes proceedings against the subject property in this case. Plaintiff adds that he intends to file a motion for relief from a stay with the bankruptcy court to address the question of exemptions. Plaintiff then points out that this Court must defer to the jurisdiction of the bankruptcy court, and that the interpretation and enforcement of stays and exemptions are the province of the bankruptcy court. Plaintiff further points out that awaiting the

1 bankruptcy court's decision would avoid contradictory judicial rulings relating to the subject property.
2 Defendant did not file a reply.

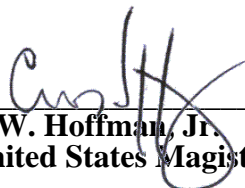
3 Pursuant to 11 U.S.C. § 362, the Court finds that defendant's bankruptcy petition operates as
4 an automatic stay of the instant action pending the bankruptcy court's decision on Plaintiff's motion
5 for relief from stay, and/or resolution of defendant's bankruptcy proceeding, whichever is earlier. The
6 Court also finds that Plaintiff fails to cite to case law, or to provide any reason, for this Court to
7 disregard the automatic stay and decide the pending motion to remand.

8 Accordingly, **IT IS HEREBY ORDERED** that defendant's renewed motion to stay (doc. # 32)
9 is **granted**. This action is **stayed** pending a determination by the bankruptcy court on Plaintiff's
10 motion for relief from stay, or termination of defendant's bankruptcy proceeding, whichever is earlier.

11 **IT IS FURTHER ORDERED** that the parties shall **notify** this Court of the bankruptcy court's
12 decision on Plaintiff's motion for relief from stay, or termination of defendant's bankruptcy
13 proceeding, within two weeks of a ruling on the motion or termination of proceedings.

14 **IT IS FURTHER ORDERED** that upon receipt of the parties' notice, this Court will issue
15 further orders as required.

16 DATED: March 16, 2016

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20 C.W. Hoffman, Jr.
21 United States Magistrate Judge
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